

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHAWN J. BELLISTRI,

Plaintiff,

v.

No. 1:20-cv-00919-KG-SMV

SOCIAL SECURITY ADMINISTRATION
APPEALS COUNCIL,

Defendant.


MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on *pro se* Plaintiff's failure to timely file an amended complaint.

Plaintiff, facing a deadline to file a response with Defendant Social Security Administration Appeals Council, filed a Complaint seeking immediate injunctive relief in the form of an order "compelling [Defendant Social Security Administration Appeals Council] to provide Plaintiff with the Entire Record, and a reasonable amount of time to review it upon receipt." Complaint and Request for Immediate Injunctive Relief, Doc. 1, filed September 9, 2020 ("Complaint").

The Court denied Plaintiff's request for a temporary restraining order and a preliminary injunction because Plaintiff did not, among other things, show Plaintiff will suffer irreparable injury unless the injunctive relief issues. *See* Doc. 4 at 2-3, filed September 10, 2020 (noting that the final decision of the Commissioner of Social Security is subject to judicial review). The Court dismissed the Complaint for failure to state a claim upon which relief can be granted, granted Plaintiff leave to file an amended complaint, and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case. Plaintiff did not file an amended complaint by the October 1, 2020, deadline.

IT IS ORDERED that this case is **DISMISSED** without prejudice.



UNITED STATES DISTRICT JUDGE